



High Peak Borough Council

working for our community

PUBLIC SPACES PROTECTION ORDER (Wildfires) 2021

Section 59 Anti-Social Behaviour Crime and Policing Act 2014

The High Peak Borough Council hereby makes the following Order:

1. This Order comes into force on *16th April 2021* and will last for a period of three years.

2. This Order applies to the land specified in the Schedule (the "Restricted Area").

Purpose

3. The Order is intended is to help to stop or reduce activities that have had a detrimental effect on the quality of life of those in the locality namely the starting of fires in grass and moorland areas. Such fires can contribute to climate change and result in risk to life; damage to biodiversity, habitats and property; and loss of income from tourism and other land uses.

Offence

4. Under the terms and restrictions of the Public Spaces Protection Order the following is prohibited:

- a) Lighting a fire of any type or size in the Restricted Area without the prior written consent of the Borough Council.
- b) Using any article or object which causes a naked flame and thereby poses a risk of fire without the prior written consent of the Borough Council.
- c) Possessing or lighting a barbecue in the Restricted Area without the prior written consent of the Borough Council.

- d) Possessing, lighting or releasing a firework in the Restricted Area without the prior written consent of the Borough Council.
- e) Possessing, lighting or releasing a Chinese/sky lantern or other open flame heat-source lantern in the Restricted Area without the prior written consent of the Borough Council.

5. A person or persons are required to surrender anything in their possession which a constable or authorised person has reasonable suspicion to be an article that has been used OR is likely to be used in conjunction with the prohibited activities referred to in this Order.

6. The restrictions in Article 4 to this Order shall not apply to:

- (a) any police, ambulance, fire service or Peak District National Park Authority personnel acting in pursuance of statutory powers or duties; OR
- (b) landowners, occupiers or people authorised by them carrying out controlled burning on their land, which is permitted by The Heather and Grass etc. Burning (England) Regulations 2007, provided that it carried out with any other necessary consents, and in accordance with the Heather and Grass Burning Code or any replacements.

Offence of Failing to Comply with Order

7. Under Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014, it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fail to comply with a requirement to which the person is subject under this Order.

8. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Challenging the Validity of the Order

9. If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.

IN WITNESS whereof the COMMON SEAL

of the HIGH PEAK BOROUGH COUNCIL was hereunto affixed this

16th day of April two thousand and twenty one in
the presence of



Authorised Signatory



SCHEDULE

This Order applies to all parts of the borough of High Peak that:

- lie within the boundary of the Peak District National Park and/or land owned by High Peak Borough Council, and
- are open to the air, and
- to which the public are entitled or permitted to have access (with or without payment).

This includes access land as defined in Section 1 of the Countryside and Rights of Way Act 2000 but excludes any licensed campsites or caravan sites, or land which is occupied by an organisation which holds a valid certificate of exemption granted under paragraph 12 of Schedule 1 of the Caravan Sites and Control of Development Act 1960 or under section 269(6) of the Public Health Act 1936.